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Victoria Toensing, *Chief Counsel* Senate Select Committee on Intelligence 224-1700

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98TH CONGRESS 1ST SESSION

## S. 1917

To provide that the Federal Communications Commission shall not regulate the content of certain communications.

## IN THE SENATE OF THE UNITED STATES

**OCTOBER 3, 1983** 

Mr. Packwood introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

## A BILL

To provide that the Federal Communications Commission shall not regulate the content of certain communications.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 That this Act may be cited as the "Freedom of Expression
- 4 Act of 1983".
- 5 FINDINGS
- 6 SEC. 2. The Congress finds that—
- 7 (1) free and unregulated communications media
- 8 are essential to our democratic society;
- 9 (2) there no longer is a scarcity of outlets for elec-
- tronic communications;

1	(3) the electronic media should be accorded the
2	same treatment as the printed press;
3	(4) regulation of the content of information trans-
4	mitted by the electronic media infringes upon the First
5	Amendment rights of those media;
6	(5) regulation of the content of information trans-
7	mitted by the electronic media chills the editorial dis-
8	cretion of those media and causes self-censorship,
9	thereby dampening the vigor and limiting the variety of
10	public debate; and
1	(6) eliminating regulation of the content of infor-
12	mation transmitted by the electronic media will provide
13	the most effective protection for the right of the public
l <b>4</b>	to receive suitable access to a variety of ideas and
15	experiences.
16	PURPOSES
17	SEC. 3. The purpose of this Act is to extend to the
8	electronic media the full protection of the First Amendment
19	guarantees of free speech and free press.
20	AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934
21.	SEC. 4. The Communications Act of 1934 is amended—
22	(1) in section 312(a) by—
23 .	(A) adding "or" immediately at the end of
24	paragraph (5):

3

1	(B) striking out the semicolon and "or" in
2	paragraph (6) and inserting in lieu thereof a
3	period; and
4	(C) striking out paragraph (7);
5	(2) by repealing section 315;
6	(3) by amending section 326 to read as follows:
7	"SEC. 326. Nothing in this Act shall be construed to
8	give the Commission the power to—
9	"(1) censor any communication;
10	"(2) review the content of any completed commu-
11	nication; or
12	"(3) promulgate any regulation or fix any condi-
13	tion which shall interfere with the right of free speech,
14	including any requirement of an opportunity to be af-
15	forded for the presentation of any view on an issue.".